

### **REMARKS**

This responds to the non-final Office Action dated 17 October 2007. Claims 1, 5, 18, 34, and 39 have been amended and claim 3 has been canceled. Support for these amendments can be found variously throughout the specification, including, for example, page 9, line 14 to page 10, line 3, FIG. 2, and original claims 3 and 5. No new matter has been added. Accordingly, claims 1, 4-7, 9-20, 22-32, and 34-42 are presently pending in this application, each of which Applicant believes is in condition for allowance. Applicant respectfully requests reexamination and reconsideration in light of the above amendments and the following remarks.

For simplicity and clarity purposes in responding to the Office Action, Applicant's remarks are primarily focused on the rejections applied to the independent claims (*i.e.*, claims 1, 18, 23, 34, and 39) as outlined in the Office Action with the understanding that the dependent claims are patentable for at least the same reasons (and in most cases other reasons) that the independent claims are patentable. Applicant expressly reserves the right to argue the patentability of the dependent claims separately in any future proceedings.

### **Interview Summary**

Applicant thanks the Examiner for the courtesies extended in the interview dated 12 February 2008. During the interview, the Examiner and Applicant's representatives agreed that claim 23 is allowable over the current 35 U.S.C. § 103 rejections without further amendment, subject to further searching. The Examiner and Applicant's representatives additionally agreed that amending claims 1, 18, 34, and 39 to recite an "adjustable pedal mount" or an "adjustable pedal platform" "comprising at least two degrees of freedom," in addition to including some additional

detail describing the at least two degrees of freedom, would result in allowance of these claims over the current 35 U.S.C. § 103 rejections, subject to further searching.

### **Claim Rejections – 35 U.S.C. § 103**

In the Action, the Examiner rejected claims 1-7, 9-20, and 22 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Publication No. 2005/0009611 to Masaya et al. (“Masaya”). In addition, the Examiner rejected claims 23-32 and 34-42 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masaya in view of U.S. Publication No. 2004/0129489 to Brasseal et al. (“Brasseal”). Applicant respectfully traverses this rejection.

In accordance with the discussion during the interview dated 12 February 2008, Applicant has amended independent claims 1 and 34 to recite, *inter alia*, an “adjustable pedal mount comprising at least two degrees of freedom, wherein the adjustable pedal mount is adjustable forward and backward and rotational about an axis.” Similarly, claim 18 has been amended to recite, *inter alia*, an “adjustable pedal platform comprising at least two degrees of freedom, wherein the adjustable pedal platform is adjustable forward and backward and rotational about an axis.” Claim 39 has also been amended to recite, *inter alia*, “wherein the adjustable pedal mount is attached to the support apparatus such that it comprises at least two degrees of freedom, wherein the adjustable pedal platform is adjustable forward and backward and rotational about an axis.”

Accordingly, because Masaya and Brasseal, either alone or in combination, fail to disclose, teach or suggest each and every element of independent claims 1, 18, 23, 34, and 39, there is no *prima facie* case of obviousness. *See, e.g., In re Royka*, 490 F.2d 981, 985 (CCPA 1974) (holding that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be

taught or suggested by the prior art); *accord*. MPEP § 2143.03 (“To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all the claim limitations.”) (emphasis added). Applicant therefore respectfully requests withdrawal of this rejection.

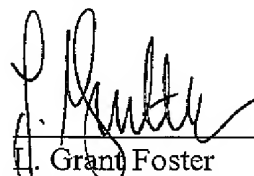
Moreover, aside from the novel features recited therein, claims 4-7, 9-17, 19, 20, 22, 24-32, 35-38 and 40-42 are also allowable at least by virtue of their dependency upon allowable base claims 1, 18, 23, 34, and 39. Applicant respectfully requests, therefore, that the rejection of claims 4-7, 9-17, 19, 20, 22, 24-32, 35-38 and 40-42 under 35 U.S.C. § 103 be withdrawn, and these claims be allowed.

### **Conclusion**

For at least the foregoing reasons, Applicant believes that each of the presently pending claims in this application is in immediate condition for allowance. Accordingly, Applicant respectfully requests a favorable action on the merits. If the Examiner has any further comments or suggestions, Applicant invites the Examiner to contact the undersigned attorney to expedite the handling of this matter.

Respectfully submitted,

Date: 14 FEBRUARY 2008



T. Grant Foster  
Registration No. 33,236